

ENVELOPE IS NOT PROVIDED

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CASE NO: 00-6028
CR DIMITROULEAS

David Tracy,
In Propria Persona. Sui Juris.

Accused.

FILED
00 MAY -9 AM 11:57
CLARENCE MADDOX
CLERK U.S. DIST. CT.
S.D. OF FLA.-FTL
U.C.

MOTION FOR STAY

I, David G. Tracy, In Propria Persona, move this Honorable Court to stay the proceedings in the District Court pending review of the instant action by the 11th Circuit's decision of a Jurisdictional Question and in support thereof states the following grounds:

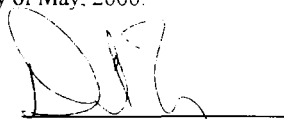
1. The 11th Circuit sent a "Memorandum to Counsel or Parties" dated May 04, 2000, regarding a jurisdictional question to be answered by the parties within fourteen (14) days relating to the interlocutory appeal presently before it. See Memorandum attached hereto as Exhibit "A".
2. In reaching a decision on the question presented to the Parties, the 11th Circuit will decide if jurisdiction will be taken from the District Court pending review of the interlocutory appeal.
3. I will be prejudiced by being compelled to continue moving forward, as I am forced to be without assistance of counsel and am presently defending this felonious action alone, preparing my primary brief in the interlocutory appeal alone, and preparing a jurisdictional brief to the 11th Circuit's jurisdictional question alone.

4. All of these encumbrances in concert are having the effect of denying me the opportunity to prepare the best defense I am able to muster, given all of my handicaps in this case.

WHEREFORE, I respectfully request this Honorable Court to stay the proceedings pending review as I am being prejudiced and rushed to judgment which denies me due process of law.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was mailed/hand delivered to Matthew Menchel, A.U.S.A., 500 E. Broward Blvd., Suite 700, Fort Lauderdale, Florida, c/o the United States Attorney's office, Florida, and Honorable William P. Dimitrouleas, Southern District of Florida, 300 East Broward Blvd., Fort Lauderdale, Florida 33394 United States District Court Judge, on this 9th day of May, 2000.



David Tracy,
In Propria Persona, Sui Juris,
POB 11638
Fort Lauderdale, Florida [33339]
(954) 398-3483

United States Court of Appeals

Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

Thomas K. Kahn
Clerk

In Replying Give Number
Of Case And Names of Parties

May 04, 2000

MEMORANDUM TO COUNSEL OR PARTIES

RE: 00-11936-DD USA v. David G. Tracy
DC DKT NO.: 00-06028 CR-WPD

NOTICE OF APPEAL FILED: April 13, 2000

After review of the district court docket entries, order and/or judgment appealed from, and the notice of appeal, it appears that this court may lack jurisdiction over this appeal. If it is determined that this court is without jurisdiction, this appeal will be dismissed.

The parties are requested to simultaneously advise the court in writing within fourteen (14) days from the date of this letter of their position regarding the jurisdictional question(s) set forth on the attached page. An original plus three copies of any response should be filed. The responses must include a Certificate of Interested Persons and Corporate Disclosure Statement as described in Fed.R.App.P. 26.1 and the corresponding circuit rules. Requests for extensions of time to file a response may not be entertained.

After fourteen (14) days, this court will consider any response(s) received and any portion of the record that may be required to resolve the jurisdictional issue(s). Please note that the issuance of a jurisdictional question does not stay the time for filing briefs otherwise provided by 11th Cir. R. 31-1.

Sincerely,

THOMAS K. KAHN, Clerk

Reply To: Alesha Warren (404) 335-6173

c: District Court Clerk

NO. 00-11936-D

JURISDICTIONAL QUESTION(S)

Whether the district court's March 30, 2000, order denying a motion to dismiss fatally defective indictment and April 4, 2000, order denying a motion for reconsideration thereof are immediately appealable? See 28 U.S.C. § 1291; Flanagan v. United States, 465 U.S. 259, 104 S.Ct. 1051, 79 L.Ed.2d 288 (1984).